

### **REMARKS**

Claims 1-12 are pending herein. Claims 3-9 stand withdrawn from consideration. Therefore, Claims 1-2 and 10-12 are under review and consideration by the Examiner.

1. Initially, the Applicants thank Examiner Calamita for allowing Claim 1.

2. Claim 2 was rejected under 35 U.S.C. §112, second paragraph, as the relationship of the domain recited in Claim 2 to SEQ ID NO: 1 of Claim 1 was unclear.

It is submitted that Claim 1 recites an isolated oligonucleotide domain of SEQ ID NO: 1, while Claim 2 specifies the domain to comprise a 21 nucleotide sequence from position 241 to 261 of *gyr A* gene from translation start site of *E. Coli*. Thus, Claim 2 recites a specific embodiment of the sequence recited in Claim 1. Therefore, it is respectfully submitted that Claim 2 is in full compliance of Section 112. Accordingly, it is respectfully requested that the rejection of Claim 2 under 35 U.S.C. §112, be withdrawn.

3. Claims 10-12 were rejected under 35 U.S.C. §102(b) over Yoshida et al. publication. For the reasons noted below, it is respectfully submitted that Claims 10-12, as amended, are neither anticipated by nor obvious over Yoshida et al.

Previously, the Examiner admitted that Yoshida do not specifically teach an alpha-arteether domain. Claim 10 has now been amended to recite that the primers are for identifying the alpha-arteether resistance conferring domain (ADR) in the *gyr A* gene of *E. Coli*. In other words, the primer pairs are used for the amplification of

gyr A gene, wherein the domain from the position 241 to 261 confers alpha-teether resistance. Yoshida et al. do not teach or suggest primer pairs for this purpose. Therefore, it is respectfully submitted that Yoshida et al. do not anticipate or render Claims 10-12 obvious.

In view of the above, it is respectfully submitted that Claims 10-12 are neither anticipated by nor obvious over Yoshida et al. publication. Accordingly, it is respectfully requested that the rejection of Claims 10-12 under 35 U.S.C. §102(b) over Yoshida et al. publication be withdrawn.

4. It is further respectfully submitted that since the inventions of Group I (Claims 1-2 and 10-12) and Group III (Claims 5-9) are related as product and process of use, and the product Claims 1-2 and 10-12, as noted above, are allowable, method Claims 5-9 are respectfully requested to be rejoined for examination and allowance.

In summary, it is respectfully submitted that Claims 1-2, 5-9 and 10-12 are all allowable.

#### **PRELIMINARY AMENDMENT**

The Examiner is respectfully requested to acknowledge receipt and consideration of the Preliminary Amendment filed in the PTO on November 5, 2004.

Appl. No. 10/809,814  
Amdt. dated July 31, 2008  
Reply to Office Action of April 1, 2008

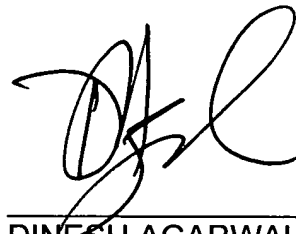
### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that Claims 1-2 and 5-12 are in condition for allowance. Withdrawal of all the objections and rejections and allowance of these claims is respectfully solicited.

It is believed that no additional fee is due for this submission. Should that determination be incorrect, however, the Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Respectfully submitted,



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